

DEPARTMENT POLICY

POLICY # 306	SUBJECT: Alternative Work Schedule
EFFECTIVE DATE: 12/08/03	PAGE 1 of 3
AUTHORIZED SIGNATURE: (Signed by Secretary Cari DeSantis on January 5, 2004)	

ALTERNATIVE WORK SCHEDULE

I. PURPOSE

The purpose of this policy is to support the creation of alternative work schedules thereby providing employees and the Department with increased flexibility in establishing work schedules. As such, the Department of Services for Children, Youth and Their Families has adopted the tenets of the State of Delaware Alternative Work Schedule Policy, which are embodied within this policy. The added flexibility in creating alternative work schedules also provides new opportunities for efficiency and expanded hours of customer service.

II. ELIGIBILITY

This policy applies to full time permanent merit system (or merit equivalent) employees, exclusive of casual, seasonal or temporary employees, currently subject to the standard work schedule which is 8:00 a.m. to 4:30 p.m., Monday through Friday with an unpaid lunch hour each day. Employees occupying a classification covered by a Collective Bargaining Agreement (Union Contract) are not eligible under this policy and must be guided by their respective work schedules as outlined in the applicable Collective Bargaining Agreement. Probationary employees may be eligible for alternative work schedules, in special circumstances, with approval of the Division Director.

Each Division shall determine which alternative work schedules, if any, are available for employees. Alternative work schedule determinations shall be made based upon the operational needs, staffing requirements, service delivery requirements, and back-up coverage needs of the respective Division. Approval of an alternative work schedule for an individual employee will be based upon consideration of the employee's job performance, special needs, attendance and timeliness, and any disciplinary issues. Certain positions may not be eligible for an alternative work schedule due to program needs or the job duties assigned to the position.

III. POLICY

Divisional schedules shall not adversely affect service delivery, place an undue burden on other staff or result in the need for overtime.

1. An employee requesting an alternative work schedule shall do so by completing an Alternative Work Schedule Agreement Form which must be approved by the employee, the immediate supervisor or appropriate management official, and the respective Division Director. Such agreement form is attached to this policy and upon completion should be forwarded to Departmental Human Resources for inclusion into the personnel file.
2. All alternative work schedules shall provide that employees working a 37.5-hour week will work 75 hours each and every two-week pay period. Employees will not be paid overtime for hours worked in a week between 37.5 and 40 hours unless they are approved for working more than 75 hours for the two-week pay period.

3. The employee shall have the right to return to the standard work schedule at any time, and the Division may require the employee to return to the standard work schedule any time the needs of the Division require it or for other work-related reasons. Employees may not change the approved schedule from one alternative work schedule to another alternative work schedule, without written agreement. The Division may restrict start times of alternative work schedules to specific times of the year.
4. Any employee with an alternative work schedule who moves between positions and/or job function necessitating a change of supervision will require a new written agreement as described earlier in this policy. Movement from a non-bargaining unit position to a bargaining unit position will require the employee to be guided by the work schedule tenets of the respective collective bargaining agreement.
5. Management reserves the right to temporarily revert the schedule to a normal work week or to a special flexible schedule in order to accommodate training, attendance at conferences or other special events. With management approval, employees may further flex their schedule within an individual two-week work period in order to utilize any compensatory time that would otherwise be accrued within that time period. If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working.
6. An employee working an alternative work schedule who receives an unsatisfactory or needs improvement performance evaluation may be returned to the normal work schedule if the supervisor determines the employee's performance is impacted by the alternative work schedule.
7. An employee working an alternative work schedule that is subjected to disciplinary action based upon just cause may be removed from the alternative work schedule by the employee's supervisor.
8. Alternative work schedules may be developed which begin and end between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday¹. Employees working seven or more hours in a day must take a 30-minute or 60 minute lunch between the hours of 11:00 a.m. and 2:30 p.m. on that day. On rare occasions, lunch hours may be rearranged around unique circumstances, but that is not expected to be the norm.
9. Annual and sick leave accrue as normal. Leave usage will be charged based on the approved work schedule.
10. A permanent, full-time employee is compensated 7.5 hours for holiday pay on approved state holidays. An employee who would have been required to work more than 7.5 hours on a day that is a state holiday in order to complete 75 hours in a pay period shall account for the additional time required through annual leave or compensatory time or by working the additional hours within that two-week period with prior approval. Those scheduled to work for part of the day on a state holiday will have their hours adjusted consistent with this policy.
11. If an approved state holiday falls on a day that a permanent full-time employee on an alternative work schedule would not be scheduled to work, the employee shall receive equivalent time (7.5 hours) off. Use of this equivalent time off shall require approval, as does annual leave, and must be taken in a lump sum increment within 30 working days from the date of the holiday (unless otherwise approved by the Division Director). An employee whose regular schedule of hours exceeds a 7.5 hour day must account for the additional hours through the use of annual leave, compensatory leave or by working the additional hours within that two-week period with prior approval.

¹ Variations in this time parameter may be approved by the Cabinet Secretary but are only recommended for unique situations.

12. Other types of leave, such as compassionate leave, will be granted on an hourly basis in accordance with applicable merit rules. If alternative work schedules require more hours than allowed for special types of leave, the shortage will have to be made up with annual or compensatory leave. State of Emergency days will be counted as the amount of time normally worked that day. However, if your scheduled day off is called as an emergency day, an additional day off will not be granted.
13. Compensatory time will still be governed by other applicable rules and regulations such as FLSA, Merit Rules and/or agency policies.
14. Alternative work schedules shall not exceed one year in duration. If requested/approved and/or modified during a calendar year, such approval will only be valid to the end of that respective year.
15. By the end of each calendar year (December 31st), all alternative work schedules shall be reevaluated necessitating a new written agreement with associated approvals for submission to Human Resources. In the absence of such a renewal approval, the employee shall revert to the standard work schedule which is 8:00 a.m. to 4:30 p.m., Monday through Friday..
16. Any non-bargaining unit employee currently having an alternative work schedule which pre-dates the effective date of this policy, must complete the aforementioned written agreement acquiring the necessary approvals. Such schedule approval will remain valid until December 31, 2004, unless a change is approved or reversion is required by another tenet of this policy.

This policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

Alternative Work Schedule Agreement

Employee's Name: _____ Position: _____

Division/Unit: _____

1. Employee hereby requests, and employer hereby approves the following alternative work schedule:

FIRST WEEK:	Monday	Tuesday	Wednesday	Thursday	Friday
Start Time:					
Lunch (30 or 60)					
End Time:					
Hours Worked:					
SECOND WEEK:	Monday	Tuesday	Wednesday	Thursday	Friday
Start Time:					
Lunch (30 or 60)					
End Time:					
Hours Worked:					

REASON _____

1. This agreement and schedule shall be effective: _____.
2. The terms and conditions of the Alternative Work Schedule Policy are incorporated into this agreement by reference and made a part of this agreement.
3. I understand that this schedule may be modified or cancelled in accordance with the Alternative Work Schedule Policy.
4. Employee agrees that for determining eligibility for Merit system overtime compensation, a regularly scheduled workweek may be more than 37.5 hours per week. Overtime compensation shall not accrue until employee has worked more than 75 hours in a two-week pay period.
5. Employee understands and agrees that this alternative work schedule will not result in a change in base pay.
6. Employee understands that alternative work schedule eligibility is a privilege. Failure to abide by the terms and conditions of this agreement, or the Alternative Work Schedule Policy will result in loss of the privilege.

Signature of Employee

Date

Signature of Manager/Supervisor

Date

Signature of Div. Dir/Cabinet Secretary
(if applicable)

Date